

Todd L. Bice, Esq., Bar No. 4534  
**Pisanelli Bice PLLC**  
 400 South 7th Street, Suite 300  
 Las Vegas, Nevada 89101  
 Telephone: (702) 214-2100  
 Facsimile: (702) 214-2101  
 tlbb@pisanellibice.com

F. Thomas Hecht, Illinois Bar No. 1168606  
 Tina B. Solis, Illinois Bar No. 6242461  
 Seth A. Horvath, Illinois Bar No. 6283110  
**Nixon Peabody LLP**  
 70 W. Madison Street, Suite 3500  
 Chicago, Illinois 60602  
 Telephone: (312) 977-4400  
 Facsimile: (844) 560-8137  
 fthecht@nixonpeabody.com  
 tbsolis@nixonpeabody.com  
 sahorvath@nixonpeabody.com  
 (admitted pro hac vice)

*Attorneys for Plaintiffs Newmark Group Inc.,  
 G&E Acquisition Company LLC, and BGC  
 RealEstate of Nevada LLC*

Robert S. Larsen  
 Wing Y. Wong  
**Gordon & Rees Scully Mansukhani LLP**  
 300 S. 4th St., Suite 1550  
 Las Vegas, Nevada 89101  
 Tel. (702) 577-9301  
 Fax. (702) 255-2858  
 rlarsen@grsm.com  
 wwong@grsm.com

Nathaniel Kritzer  
**Steptoe & Johnson LLP**  
 1114 Avenue of the Americas  
 New York, NY 10036  
 Tel. (212) 378-7535  
 Fax (212) 506-3950  
 nkritzer@steptoe.com  
 (admitted pro hac vice)

*Attorneys for Defendants Avison Young  
 (Canada) Inc., Avison Young (USA) Inc.,  
 Avison Young–Nevada LLC, Mark Rose,  
 Joseph Kupiec, The Nevada Commercial  
 Group LLC, and John Pinjuv*

**UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF NEVADA**

NEWMARK GROUP INC., G&E  
 ACQUISITION COMPANY LLC, and  
 BGC REAL ESTATE OF NEVADA LLC,

Plaintiffs,

vs.

AVISON YOUNG (CANADA) INC.,  
 AVISON YOUNG (USA) INC., AVISON  
 YOUNG–NEVADA LLC, MARK ROSE,  
 THE NEVADA COMMERCIAL GROUP,  
 JOHN PINJUV, and JOSEPH KUPIEC; DOES  
 1 through 5; and ROE BUSINESS ENTITIES  
 6 through 10,

Defendants.

Case No. 2:15–cv–00531–RFB–EJY

**STIPULATION AND ~~PROPOSED~~  
 ORDER REGARDING PLAINTIFFS’  
 MOTION TO COMPEL THE AY  
 DEFENDANTS AND THE NCG  
 DEFENDANTS TO (I) SEARCH  
 ADDITIONAL SOURCES OF ESI, (II)  
 PRODUCE “AY UNIVERSITY”  
 DOCUMENTS, (III) PRODUCE  
 DOCUMENTS IMPROPERLY  
 INCLUDED IN THE AY  
 DEFENDANTS’ CLAWBACK  
 REQUEST, (IV) PRODUCE  
 DOCUMENTS IMPROPERLY  
 WITHHELD AS PRIVILEGED, AND  
 (V) PROVIDE AN ADEQUATE  
 FORENSIC REPORT (ECF No. 397)  
 (First Request)**

In accordance with LR IA 6–1, LR 7–1, and LR 7–3, Plaintiffs Newmark Group Inc., G&E Acquisition Company LLC, and BGC Real Estate of Nevada (together, “Plaintiffs”), through their counsel of record, and Defendants Avison Young (Canada) Inc., Avison Young (USA) Inc., Avison Young–Nevada LLC, Mark Rose, Joseph Kupiec John Pinjuv, and The Nevada Commercial Group (together, “Defendants”), through their counsel of record, hereby stipulate to, and request the entry of, an order setting a briefing schedule, and page limitations, on *Plaintiffs’ Motion to Compel the AY Defendants and the NCG Defendants to (I) Search Additional Sources of ESI, (II) Produce “AY University” Documents, (III) Produce Documents Improperly Included in the AY Defendants’ Clawback Request, (IV) Produce Documents Improperly Withheld as Privileged, and (V) Provide an Adequate Forensic Report* (the “Motion to Compel”), as set forth below.

### **STIPULATION**

1. On September 1, 2020, Plaintiffs filed the Motion to Compel and a motion for leave to file a brief exceeding 24 pages (the “Motion for Leave”). (ECF No. 182, Mot. to Compel.)

2. Under LR 7–2, the current deadline for Defendants’ response to the Motion to Compel is September 15, 2020.

3. Under LR 7–2, the current deadline for Plaintiffs’ reply in support of the Motion to Compel is September 22, 2020.

4. Having conferred and agreed, the parties respectfully request that the Court set the following deadlines and page limitations with respect to the Motion to Compel:

a. Defendants shall have until **September 29, 2020**, to file a response in opposition to the Motion to Compel.

1           b.       Plaintiffs shall have until **October 9, 2020**, to file a reply in support of the  
2 Motion to Compel.

3           c.       Defendants do not object to Plaintiffs' Motion for Leave, which seeks a 13-  
4 page enlargement of the Motion to Compel.

5           d.       Plaintiffs do not object to an equivalent 13-page increase in the page limit  
6 for Defendants' response to the Motion to Compel if needed (i.e., Defendants may file a  
7 response that is up to 37 pages if needed).

8           e.       Defendants do not object to a proportional increase in the page limit for  
9 Plaintiffs' reply in support of the Motion to Compel if needed (i.e., if Defendants'  
10 response is 37 pages, Plaintiffs may file a reply that is up to 18 pages if needed; if  
11 Defendants' response is 30 pages, Plaintiffs may file a reply that is up to 15 pages if  
12 needed, etc.).  
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1 Dated: September 3, 2020

2 **Respectfully submitted by:**

3 NIXON PEABODY LLP

STEPTOE & JOHNSON LLP

4 By: /s/ Tina B. Solis

By: /s/ Nathaniel J. Kritzer

5 Todd L. Bice, Esq., Bar No. 4534

Robert S. Larsen

6 **Pisanelli Bice PLLC**

Wing Y. Wong

7 400 South 7th Street, Suite 300

**Gordon & Rees Scully Mansukhani LLP**

8 Las Vegas, Nevada 89101

300 S. 4th St., Suite 1550

9 Telephone: (702) 214-2100

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tlb@pisanellibice.com

Fax. (702) 255-2858

rlarsen@grsm.com

wwong@grsm.com

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11 Tina B. Solis, Illinois Bar No. 6242461

Seth A. Horvath, Illinois Bar No. 6283110

Nathaniel Kritzer

12 **Nixon Peabody LLP**

**Steptoe & Johnson LLP**

13 70 W. Madison Street, Suite 3500

1114 Avenue of the Americas

Chicago, Illinois 60602

New York, NY 10036

14 Telephone: (312) 977-4400

Tel. (212) 378-7535

Facsimile: (844) 560-8137

Fax (212) 506-3950

15 fthecht@nixonpeabody.com

nkritzer@steptoe.com

16 tbsolis@nixonpeabody.com

(admitted pro hac vice)

sahorvath@nixonpeabody.com

(admitted pro hac vice)

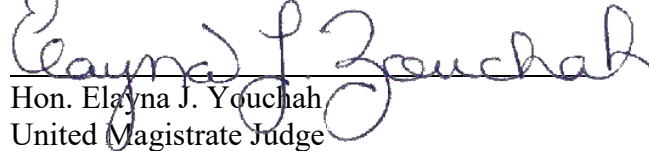
*Attorneys for Defendants Avison Young  
(Canada) Inc., Avison Young (USA) Inc.,  
Avison Young–Nevada LLC, Mark Rose,  
Joseph Kupiec, The Nevada Commercial  
Group LLC, and John Pinjuv*

17 *Attorneys for Plaintiffs Newmark Group Inc.,  
18 G&E Acquisition Company LLC, and BGC  
19 RealEstate of Nevada LLC*

**PROPOSED ORDER**

Having reviewed the foregoing stipulation and found it to be supported by good cause, IT IS HEREBY ORDERED that (1) Defendants shall file their response to Plaintiffs' Motion to Compel by September 29, 2020; (2) Plaintiffs shall file the reply in support of their Motion to Compel by October 9, 2020; (3) Plaintiffs' motion for leave to enlarge the size of their Motion to Compel from 24 to 37 pages is granted; (4) Defendants may enlarge the size of their response to the Motion to Compel from 24 to 37 pages if needed; and (5) Plaintiffs may proportionally enlarge the size of the reply in support of their Motion to Compel in accordance with the length of Defendants' response to the Motion to Compel if needed (i.e., if Defendants' response is 37 pages, Plaintiffs may file an 18-page reply if needed; if Defendants' response is 30 pages, Plaintiffs may file a 15-page reply if needed, etc.).

IT IS SO ORDERED.

  
Hon. Elayna J. Youchah  
United Magistrate Judge

DATED: Sept. 4, 2020